(107)

HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition No. 2216 of 2001

Petitioner : Miss Christina Das D/o Late Pakloo Das, aged about 28 years, R/o village-Fattupur, Branch Ghumka, Tahsil-Khairagarh, Distt.- Rajnandgaon (C.G.).

Versus

Respondents :1. State of Chhattisgarh, Through : Collector, Panchayat and Village Development, Rajnandgaon (C.G.).

2. Janpad Panchayat Khairagarh, Distt.- Rajnandgaon (C.G.) Through :- Chief Executive Officer.

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri

Shri V.G. Tamaskar, counsel for the Petitioner.
Shri Pankaj Shrivastava, Panel lawyer for the Respondent No. 1
Shri Ranbir Singh Marhas, counsel for the Respondent No. 2.

ORAL ORDER

(18th January, 2006)

1. Learned counsel for the petitioner submits that the petitioner was selected for appointment on the post of Shiksha Karmi Grade-III against vacancy reserved for Scheduled Caste community. Her selection was cancelled on the sole ground that the petitioner does not belong to Scheduled Caste (Satnami) community, but her religion is Christianity.

2. The petitioner filed a Civil Suit before the Civil Judge Class-I, Khairagarh, being Civil Suit No. 26A/99 seeking a declaration to the effect that she was Scheduled Caste Satnami and she does not belong to Christianity and consequently she should be appointed on the post

of Shiksha Kmari Grade-III against the reserved seat of Scheduled Caste.

3. Learned Civil Judge, by his order dated 14.8.2000, came to conclusion that dispute relates to government service and in view of the existence of the State Administrative Tribunal, Civil Court had no jurisdiction to entertain the said suit. Accordingly, the said suit was dismissed as not maintainable. Be that as it may, the State Administrative Tribunal has been abolished. At present, there is no State Administrative Tribunal in existence. Even otherwise, disputed question of facts are involved in the present petition and as such this court can not resolve disputed facts in exercise of its powers under Article 226 of the Constitution of India. Hence, the petitioner is at liberty to take appropriate proceedings for relief.

4. In view of the foregoing, the petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu